

OF CONCERN TO ENGLAND.

Newfoundland Court Rules Against Modus Vivendi.

DECISION A MAJORITY ONE.

Appeal Will Be Taken to British Privy Council.

The supreme court of Newfoundland yesterday gave a majority decision upholding the colonial government in its contentions respecting the so-called Bay of Islands herring fisheries case, in which the right of Newfoundland fishermen to be employed by American vessel owners within the three-mile limit was involved.

Sir James Winter, counsel for the colonial fishermen concerned in the case, notified the court, after the decision had been given, that he intended to make an appeal to the privy council of Great Britain.

The majority opinion was delivered by Chief Justice Horwood, and Justice Johnson, Justice Emerson, who had been engaged on other court cases, intimated that he would file his opinion later.

The hearing of the case, which is one of the most important ever considered by the court, has occupied more than two months.

In continuing the case, the court was obliged to hear arguments concerning the possible bearing on it of the treaty of 1818 between the United States and Great Britain and also the modus vivendi arranged last year between the two countries.

The case was a test one, and was instituted in an effort on the part of the Newfoundland government to ascertain if the modus vivendi is valid. The decision of the court holds up the colonial bait act passed by the Newfoundland legislature. The court decided that the treaty of 1818 and the modus vivendi had nothing to do with the present case, as claimed by the appellants.

In carrying out the bait act, the colonial government last year arrested two Newfoundland fishermen, Crane and Dubois, on the charge of violating the law in putting herring aboard the fishing schooner Ralph L. Hall, of this port. These men were hired outside the three-mile limit, but when arrested were working inside the limit. In the local court they were convicted and sentenced to pay a fine of \$500 each or to spend three months in jail.

In the supreme court the Newfoundland government maintained that the men had been properly convicted, on the ground that the bait act forbids any British subject to put fish aboard of any foreign vessel within the three-mile limit, without he has obtained a license from the colonial government.

The appellants replied that they did not need a license, because fishery servants of Americans are entitled to be thus employed under the treaty of 1818. The appellants held that this treaty right was equivalent to a license.

In its decision the court held that the men were rightly convicted, as they are British subjects and are therefore bound by local laws. The court held that the treaty of 1818 and the modus vivendi of 1906 were not involved, as the appellants are not American fishermen and enjoy no exemption from colonial laws under these arrangements.

The court further said that the employing of British subjects in colonial waters by Americans is absolutely void, because such employment violates the colonial statutes. Colonial fishermen must possess licenses from the government before they can put herring aboard any vessel for export from colonial waters.

When Sir James Winter notified the court that it was his intention to enter a motion to appeal the case to the privy council, Atty. Gen. Sir Edward Morris, representing the government, stated that he would deal with that motion when it was formally made to the court.

The Newfoundland government regards the decision as a great victory, but its final effect on the American frozen herring industry will not be determined until the points involved are passed upon by the highest court of Great Britain.

Thomas J. Carroll, in an interview on the subject, said that the decision was rather expected.

"Will Gloucester appeal to Washington?" Carroll was asked.

"No, we shall not. We believe that this question is now one between Newfoundland and the mother country. The decision of the Newfoundland court is, we believe, in direct conflict with the terms of the modus vivendi, arranged last year by the American state department and the government of Great Britain.

"Great Britain must settle this matter with her colony. Of course, the state department at Washington may take some action, but it will not be at our suggestion."

Gloucester feels that the court's decision will, if not reversed in some way, be a bad thing for Newfoundland, as well as for American herring interests.

So many Newfoundlanders obtain employment in the fall and winter from American skippers that if they are deprived of this means of livelihood it will go hard with them, it is believed here.

However, the herring season is not due for some months, and the feeling is general here that some understanding will be arrived at before the schooners start for the Bay of Islands this year.

May 8.

DAILY TIMES FISH BUREAU.

Today's Arrivals and Receipts.

Steamer Pet, shore, 10,000 lbs. fresh pollock.

Steamer Joppaite, shore, 20,000 lbs. fresh pollock.

Steamer Bryda F., shore, 20,000 lbs. fresh pollock.

Steamer Quartette, shore, 1700 lbs. fresh pollock.

Today's Fish Market.

Board of Trade fresh fish prices: large western cod, \$2.37 1-2; medium do., \$1.62 1-2; large eastern cod, \$2.12 1-2; medium do., \$1.50; snapper do., 60c; cusk, \$1.62 1-2; snapper do., 50c; haddock, \$1.10; hake, \$1.10; pollock, \$1.

Board of Trade salt fish prices: Large Georges handline cod, \$4.75; medium do., \$3.75; salt haddock, \$2; salt pollock, \$2; salt hake, \$2; salt cusk, \$2.50.

Bank halibut, 9 cts. per lb., for white and 6 cts. or gray.

Rips salt cod, \$4.25 per cwt. for large, \$3.25 for medium, and \$2.25 for snappers.

Market price large western cod to split, \$2.50 per cwt., medium do., \$1.62 1-2. Large eastern cod, \$2.50, medium do., \$1.62 1-2.

Market price fresh large Rips cod, \$2.50 per cwt., medium do., \$1.80.

Market price, salt bank cod, \$4 per cwt. for large and \$3.25 for medium.

Market price salt Rips cod, \$4.50 per cwt. for large, \$3.75 for medium, \$2.50 for snappers and \$2 for shack.

Fresh round pollock, 95 cts. per cwt.

Boston.

Steamer Annie Laurie, 2500 haddock.

Sch. Flavilla, 6000 haddock, 3000 cod.

Sch. Mary E. Cooney, 30,000 haddock, 7000 cod.

Sch. Louise C. Cabral, 14,000 haddock, 2500 cod, 1000 hake.

Sch. Shepherd King, 3000 cod, 10,000 hake, 8900 cusk.

Sch. Patience, 3000 cod.

Sch. North Star, 2800 haddock, 200 cod.

Steamer Ida, 2200 haddock.

Sch. Thomas J. Carroll, 10,000 haddock, 6000 cod.

Sch. Mildred V. Nunan, 3000 haddock, 4000 cod, 9000 hake, 5000 cusk.

Sch. Tecumseh, 5000 cod, 6000 halibut.

Sch. Emerald, 6000 haddock, 500 cod.

Sch. Helen B. Thomas, 17,000 haddock, 2000 cod, 3000 hake.

Sch. Marion, 3000 haddock, 5000 cod.

Sch. Reliance, 1400 haddock, 4200 cod.

Sch. Wesley W. Sennett, 3300 haddock, 800 cod.

Sch. Elva L. Spurling, 2000 haddock, 15,000 cod.

Sch. Genesta, 6400 haddock, 3500 cod.

Sch. Motor, 1000 haddock, 7000 cod.

Sch. Good Luck, 20,000 cod.

Sch. Dorothy, 18,000 cod.

Sch. Azorean, 4000 haddock.

Haddock, \$3 to \$3.75 per cwt.; large cod, \$3.50 to \$3.60; market cod, \$2; hake, \$1.50 to \$3.50, cusk, \$2.

Fishing Fleet Movements.

Several fishing vessels passed north by Port Mulgrave, N. S., last Saturday. The strait is clear of ice.

Sch. Pythian is fitting for Rips fishing under command of Capt. Manuel Carlz.

Capt. George Currie has fitted sch. Speculator for south seining.

*Capt William Goodwin is fitting sch. Ramona for Rips fishing

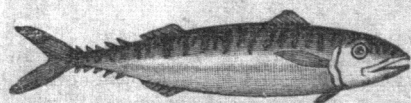
May 9.

FOUR TRIPS AT NEW YORK.

Season's Catch Now Well Ahead of Last Year.

UP TO DATE IS 8500 BARRELS.

Conservative Net Value of Catch
is Placed at \$100,000.



The procession of mackerel fares into New York still continues, and while as yet there has been no day of particularly big receipts such as has characterized many other seasons of late years, still the product of the fleet thus far this spring has been such an improvement over the record of last year that dealers, vessel owners and fishermen generally feel much encouraged.

The showing of the fleet up to date has been fair. Vessels are now arriving daily with decent fares, for which good prices have been paid, and it is to be hoped that the procession to Fulton dock will continue for some time to come.

This morning four of the seining fleet are there, as follows:

Sch. Lillian, Capt. Cahoon, 5000 fresh medium mackerel.

Sch. Pinta, Capt. John F. Vantier, 5000 fresh medium mackerel.

Sch. Norma, Capt. Charles Doucette, 12,000 fresh medium mackerel.

Sch. Veda M. McKown, Capt. Norman A. Ross, 22,000 fresh medium mackerel.

In all of these fares, there are some large fish, and the prices are holding at yesterday's figures, 30 cents each for large and 12 cents each for mediums.

In the fares landed yesterday, sch. Slade Gorton had 2057 large mackerel and the Arabia had 30 barrels of fresh mackerel came to Boston yesterday from New York.

Many of the fleet have done extra well and have gross stocks of over \$5000. Sch. Elizabeth Silsbee is high line thus far, with a gross stock in the neighborhood of \$9000, while schs. Veda M. McKown, Pinta, A. M. Nicholson, Patrician, Ralph L. Hall, Mary E. Hart, Annie Greenlaw and Ingomar and possibly a few others have gross stocks of from \$4000 to rising \$6000. There are many who have between \$2000 and \$3000 and yet others who have not yet been heard from with a fare.

Up to 10 o'clock this forenoon, 38 seiners have landed 74 trips of fresh mackerel thus far this season. Thus far there are 59 sail of seiners on the southern fishing ground or on the way there.

A special to the times this morning states that sch. Madonna, which was at Fulton market yesterday, counted out 7000 fresh medium mackerel and 3000 large fresh mackerel.

May 9.

Norwegian Cod Fishery.

A cable from London states that the Norwegian catch to date was 36,300,000, as against 37,000,000 last year. The fishery this year is about 2,000,000 above the average of the past ten years while livers are so good that the yield of oil is far ahead of expectations.

May 9.

May 9.

May 10.

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SOLD 200 TONS OF BAIT.

Canso Cold Storage Company Has Big Season.

The Canso, N. S., Cold Storage Co. has had a very successful season, having baited 57 vessels thus far, with 200 tons of frozen squid. Among the vessels baited within the past two weeks were 18 Nova Scotia bankers on first trips and 10 on second baitings, also the following American salt bankers and halibut catchers:

Sceptre, 10,000 pounds; Judique, 9000; Arcadia, (second baiting), 7000 pounds; Theodore Roosevelt, 3000 pounds; Elector, 8000 pounds; Alice R. Lawson, 7000 pounds; Squanto, 3200 pounds; Agnes, 4000 pounds; Margaret, 2300 pounds; Arkona, (second baiting), 6000 pounds; Helen F. Whitten, (second baiting), 4000 pounds; Essex, 4000 pounds; A. E. Whyland, 4000 pounds.

May 9.

ANOTHER MACKEREL FARE.

Sch Arabia Has Her Second Trip of the Season.

A special to the Times this afternoon states that sch. Arabia, Capt. John Matheson, arrived at Fulton Market, New York, this afternoon with 10,000 fresh medium mackerel and 2000 large fresh mackerel.

May 9.

DAILY TIMES FISH BUREAU.

Today's Arrivals and Receipts.

Steamer Mystery, shore, 6000 lbs. fresh pollock.
Steamer Quartette, shore, 15,000 lbs. fresh pollock.
Steamer Angelia B. Nickerson, shore, 6000 lbs. fresh pollock.
Steamer Bryda F., shore, 8000 lbs. fresh fish.
Steamer Pet, shore, 12,000 lbs. fresh pollock.
Steamer Elthier, shore, 7000 lbs. fresh pollock.
Sch. Tartar, vi a Boston.

Todays Fish Market.

Board of Trade fresh fish prices: large western cod, \$2.37 1-2; medium do., \$1.62 1-2; large eastern cod, \$2.12 1-2; medium do., \$1.50; snapper do., 60c; cusk, \$1.62 1-2; snapper do., 50c; haddock, \$1.10; hake, \$1.10; pollock, \$1.

Board of Trade salt fish prices: Large Georges handline cod, \$4.75; medium do., \$3.75; salt haddock, \$2; salt pollock, \$2; salt hake, \$2; salt cusk, \$2.50.

Bank halibut, 9 cts. per lb., for white and 6 cts. or gray.

Rips salt cod, \$4.25 per cwt. for large, \$3.25 for medium, and \$2.25 for snappers.

Market price large western cod to split, \$2.50 per cwt., medium do., \$1.62 1-2. Large eastern cod, \$2.50, medium do., \$1.62 1-2.

Market price fresh large Rips cod, \$2.50 per cwt., medium do., \$1.80.

Market price, salt bank cod, \$4 per cwt. for large and \$3.25 for medium.

Market price salt Rips cod, \$4.50 per cwt. for large, \$3.75 for market, \$2.50 for snappers and \$2 for shack.

Fresh round pollock, 95 cts. per cwt.

Market price fresh hake, \$1.20 per cwt.

Boston.

Sch. Philip P. Manta, 15,000 haddock, 3000 cod.
Sch. Pauline, 20,000 cod.
Sch. Joseph P. Johnson, 7000 haddock, 2000 cod.
Sch. Seaconnet, 18,000 haddock, 2000 cod, 500 hake.
Sch. Louisa R. Silva, 26,000 haddock, 4000 cod.
Sch. George H. Lube, 5500 haddock, 10,000 cod, 3000 hake.
Sch. Appomattox, 16,000 cod.
Steamer Ida, 2900 haddock.
Sch. Walter P. Goulart, 55,000 haddock, 25,000 cod.
Sch. Esther Gray, 3500 haddock, 1500 cod.
Sch. Dixie, 5000 cod.
Sch. Rita A. Viator, 2000 haddock.
Sch. Gov. Cleaves.
Haddock, \$2.50 to \$3 per cwt.; large cod, \$2.50 to \$4; market cod, \$1.80 to \$2.50; cusk, \$1.60; hake, \$1.75.

New York.

Sch. Lillian, 5000 fresh medium mackerel.
Sch. Pinta, 5000 fresh medium mackerel.
Sch. Norma, 12,000 fresh medium mackerel.
Sch. Veda M. M. Kown, 22,000 fresh medium mackerel.

Fishing Fleet Movements.

Sch. Mary Elizabeth is having a new mainmast put in and will fit for trapping under command of Capt. George Douglass.

Capt. Charles Martin has given up command of sch. boat N. A. Rowe and will now open his fish market again and get ready for the summer business.

Sch. Julietta is fitting for south mackerel netting.

Sch. boat Flirt, which was recently dismantled, has been re-rigged sloop fashion and will continue to fish on the shore under command of Capt. Osier.

Capt. Albert Bates has hauled his sloop Lillian out of shore fishing and is slicking her up, getting ready for the summer business of taking out sailing parties.

Sch. Harrie M. Young, which has been lying at East Gloucester, sunk, for some time, has been purchased by Mr. Roger Tarr. She has been raised and will be fitted for shore fishing.

Sch. Jennie B. Hodgdon baited from Edgartown and sailed from there yesterday.

Sch. Rebecca Bartlett arrived at Edgartown from this port yesterday.

Schs. Mabel D. Hines, Arkona, Helen F. Whitten and Conqueror were at Canso, N. S., Monday.

Schs. Georgianna, Blanche, Georgie Campbell, Athlete and Arkona, sailed from Canso on Monday.

Schs. Squanto and Theodore Roosevelt, at Port Mulgrave, N. S., Monday, loaded two cars with fresh halibut to be shipped to Boston.

Schs. Horace B. Parker, Gladiator, Senator Gardner and six other bankers passed south by Port Mulgrave, N. S., Monday, having returned on account of ice to the northward of the strait of Canso.

Sch. Tecumseh, at Boston yesterday with 6000 pounds of fresh halibut, reported getting the fish on Nantucket Shoals. They sold at 10 cents per pound for white and 8 cents for gray.

Herring at Louisburg.

The traps at Louisburg, C. B., took a few herring last Wednesday night.

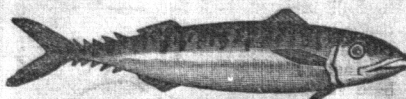
May 10.

FIRST NETTER AT NEW YORK.

Sch Cherokee Brought in 25 Large Fresh Mackerel

THREE OTHERS SHIPPED FISH.

Seiners Natalie B. Nickerson and Arthur James Have Fares.



The first netter has arrived at New York, the lucky craft being the little sch. Cherokee, Capt. Benjamin Lumsden, which made Fulton dock this morning with 25 large fresh mackerel. The fish were taken 20 miles southeast of Barnegat and the captain reports a very thick fog prevailing.

The following netters did not come to market, but sent their fish to New York yesterday:

Sch. Laura Reed, 47 large fresh mackerel.

Sch. Stranger, 70 large fresh mackerel.

Sch. Actor, 21 large fresh mackerel.

The first netter last season arrived at Fulton market April 27, with a few fish.

A special to the Times this forenoon reports the arrival of sch. Natalie B. Nickerson, Capt. John S. Seavey, at Fulton market, with 17,000 fresh mackerel. For the most part the fare is composed of medium fish, there being a few bloaters among them.

A late despatch this noon states that sch. Arthur James, Capt. Archibald Devine, is at New York with another trip, having 18,000 medium fresh mackerel.

ON ONE SET.

Sch. Mary E. Cooney's Crew Made \$50 Each.

Sch. Mary E. Cooney, Capt. Frank Cooney, which arrived at T wharf yesterday, weighed off 27,000 pounds of fresh cod and haddock, every pound of which was taken in one set of the trawls. The craft got a fine price as the fish was bran new and the crew are today tickled over a share of \$50 on just that one set.

May 10.

Largest Crab.

In the American Museum of Natural History in New York is a wonder of marine life. It is a gigantic Japanese crab, measuring twelve feet across, making it the largest in the world. The specimen is a type of the spider crab, which inhabits the waters of the group of islands forming the empire of Japan. The body portion of the crab is the size of a half bushel measure, while its great arms could easily encircle the figure of a man. Its legs resemble poles and are extremely elastic, and if strung into one line they would reach to the top of a four story apartment building.—New York Herald.

May 10.

Round Pollock Go Up.

Round pollock took a jump yesterday afternoon, when the majority of these fish brought in here by the little steamers sold to the Gloucester Fresh Fish Co. at \$1.05 per hundred weight, an advance of 10 cents over previous sales. The steamers have been doing fairly well of late, getting their hauls right off the harbor.

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Steamer Pet, shore, 5000 lbs. fresh pollock.
Steamer Angelia B. Nickerson, shore, 5000 lbs. fresh pollock.
Steamer Water Witch, shore, 2000 lbs. fresh pollock.
Steamer Bryda F., shore, 2000 lbs. fresh pollock.
Sch. Pauline, via Boston, 16,000 lbs. fresh fish.
Sch. Walter P. Goulart, via Boston, 35,000 lbs. fresh fish.
Sch. Robert and Carr, Portland.
Sch. George H. Lube, via Boston.
Sch. Catherine and Ellen, Brown's Bank, 90,000 lbs. fresh fish.
Sch. Appomattox, via Boston.

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